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REMARKS**I. Introduction**

Claims 1-6, 8, 10-14 and 20-22 are pending. In the April 7, 2004 Final Office Action the Examiner rejected claims 1-3, 6, 10, 12 and 20-22 under 35 U.S.C. §103(a) as being unpatentable over (U.S. Patent 6,650,633) to Albers et al.. In addition, the Examiner rejected claims 4-6, 8 and 11-14 under 35 U.S.C. 103(a) as being unpatentable over Albers et al. in view of U.S. Patent No. 6,125,126 to Hallenstal.

In all of the rejections, the Albers et al. patent (6,650,633) is used as the primary reference. **In view of the statement of common ownership which follows, Applicants respectfully submit that the Albers et al. patent is not available as a prior art reference and that the rejections based on the Albers et al. patent should be withdrawn.**

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II. Statement of Common Ownership

Michael P. Straub, an attorney of record hereby states:

The present patent application, S.N. 09/609,020 , and the applied reference U.S. Patent No. 6,650,633 (which at the time of the invention was application S.N. 09/112,155) were, at the time the invention claimed in the present application was made, owned by, or subject to an obligation of assignment to the same corporate entity, Verizon Services Corp.



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III. All of the pending claims are patentable.

Applicants note that the above statement should be sufficient evidence of common ownership. MPEP §706.02(I)(2) states:

... The applicant(s) or the representative(s) of record have the best knowledge of the ownership of their application(s) and reference(s), and their statement of such is sufficient evidence because of their paramount obligation of candor and good faith to the USPTO. (bold added for emphasis)

The Albers et al. patent did not issue until Nov. 18, 2003. Accordingly, the Examiner appears to be relying on 35 U.S.C. §102(e) to establish that the reference is prior art under 35 U.S.C. §103(a).

35 U.S.C. §103(c) provides:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation to assignment to the same person.

The rejection appears to be based on qualifying the applied patent as prior art under 35 U.S.C. §102(e) since the Nov. 18, 2003 issue date is well after the June 30, 2000 filing date of the present application.

In view of the above statement of common ownership provided on a separate sheet of paper in a conspicuous manner in accordance with MPEP § 706.02(I)(3) the Albers et al. reference is not available as prior art against the present application since the inventors were under an obligation to assign to the same entity at the time the invention was made. Since each of the prior art rejections relies on the Albers et al. patent as either the sole reference or as the primary

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reference which can not now be used to reject the claims, all of the prior art rejections have been overcome.

Applicants note for the sake of completeness that Hallenstal patent, which was used as a secondary reference in combination with Albers et al. to reject some claims, when considered alone, is clearly insufficient to reject the claims and the Examiner does not contend that it would be sufficient to reject the claims by itself. Accordingly, the above statement of common ownership is sufficient to overcome all of the outstanding rejections.


IV. Conclusion

Claims 1-6, 8, 10-14 and 20-22 are pending. The Albers et al. patent is not available as prior art against the present application. Accordingly, the application is in condition for allowance.

If there are any outstanding issues which need to be resolved to place the application in condition for allowance the Examiner is invited to contact Applicants undersigned representative by phone to discuss and hopefully resolve said issues. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made, the fee for which should be charged against patent office deposit account 07-2347.

Respectfully submitted,

June 7, 2004


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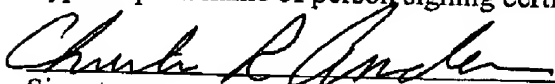
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patents and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Christian Andersen

Type or print name of person signing certification



Signature

June 7, 2004

Date